

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Leon and Linda DeVisser
and DeVisser Properties, LLC

v.

Civil No. 03-cv-479-JD

Koji Goto, et al.

O R D E R

The bankruptcy court issued a notice in November of 2004 that defendant Koji Goto had initiated a bankruptcy case which imposed a stay on all proceedings against him. This court then issued an order that the case here against Goto was stayed pursuant to 11 U.S.C. § 362. Despite the stay, however, the case has remained on the trial schedule and a final pretrial conference is scheduled for September 9, 2005.

Because of the final pretrial conference and trial dates, the parties have filed a joint motion for clarification of the stay order. They point out that due to the stay no further proceedings have occurred in this case so that neither discovery nor motion practice has progressed. The parties are correct that because the case is stayed, it should have been removed from the trial calendar.

Conclusion

For the foregoing reasons, the parties' joint motion (document no. 60) is granted. The final pretrial conference is cancelled, and the case will be removed from the trial list. When the court receives notice that the bankruptcy proceeding has concluded or that the automatic stay has been lifted as to this action, the stay imposed here will be lifted and the case will proceed with a new schedule.

SO ORDERED.

Joseph A. DiClerico, Jr.
United States District Judge

August 18, 2005

cc: William S. Gannon, Esquire
Steven M. Gordon, Esquire
John Paul Kacavas, Esquire
Arthur W. Perkins, Esquire
Gregory W. Swope, Esquire